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In re Application of	:	
CORADINI, Danila et al.	:	
Application No.: 10/594,334	:	DECISION
PCT No.: PCT/IB05/00780	:	
Int. Filing Date: 25 March 2005	:	ON SUBMISSION UNDER
Priority Date: 29 March 2004	:	
Attorney's Docket No.: 0003219USU/3061	:	37 CFR 1.42
For: Hyaluronic Acid Butyric Esters With A Low Degree	:	
Of Substitution, Procedure For Their Preparation	:	
And Use	:	

This decision is issued in response to applicants' submission on 27 September 2006 of a declaration executed on behalf of deceased co-inventor Alberto Perbellini by his heirs. Applicants' submission is treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 25 March 2005, applicants filed international application PCT/IB05/00780, claiming a priority date of 29 March 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 29 September 2006.

On 27 September 2006, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied, *inter alia*, by the requisite basic national fee and a declaration of the inventors. The declaration was previously filed under PCT Rule 4.17(iv) as part of international application PCT/IB05/00780 and, executed on behalf of deceased co-inventor Alberto Perbellini by his heirs, Giovanna Ferlini and Giulia Perbellini.

DISCUSSION

MPEP §1893.01(e) states:

In general, the requirement for an oath or declaration in compliance with 37 CFR 1.497(a)-(b) will have been previously satisfied if a declaration in compliance with PCT Rule 4.17(iv) and executed by all the inventors was submitted within the time limits provided in PCT Rule 26 ter.1 in the international phase.

Here, the declaration was previously filed under PCT Rule 4.17(iv) as part of international application PCT/IB05/00780 and executed on behalf of deceased co-inventor Alberto Perbellini by his heirs, Giovanna Ferlini and Giulia Perbellini. However, it is unclear whether the shown residence, address and citizenship are of the deceased inventor or his heirs. Furthermore, it has not been stated that Giovanna Ferlini and Giulia Perbellini are the sole heirs of deceased co-inventor Alberto Perbellini, i.e., there may be other heirs who are required to sign the declaration. Hence, the declaration filed 27 September 2006 is deemed unacceptable under 37 CFR 1.497 (a)-(b).

CONCLUSION

The request for status under 37 CFR 1.42 is **DISMISSED** without prejudice.

If reconsideration on the merits of the request is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.42." No additional petition fee is required.

Any further correspondence with respect to this matter should be addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, VA 22313-1450, with the contents of the letter marked to the attention of the PCT Legal Office.



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